

### **REMARKS**

Applicants have received and carefully reviewed the Final Office Action mailed March 3, 2010. Currently, claims 1-9, 15, 21, 22, 24-38, 51-62, and 65-67 remain pending. Claims 1-9, 15, 21, 22, 24-38, 51-62, and 65-67 have been rejected. In this amendment, claims 1 and 62 have been amended in accordance with the Examiner's suggestion. Favorable consideration of the following remarks is respectfully requested.

#### ***Claim Rejections – 35 U.S.C. § 102***

In paragraph 2 of the Final Office Action, claim 62 was rejected under 35 U.S.C. §102(b) as being anticipated by Alba et al. (U.S. Patent No. 5,634,901). Applicants respectfully traverse this rejection.

Under the "Response to Arguments" heading and paragraph 14, the Final Office Action suggested amending claim 62 to clarify that the sheath and balloon are longitudinally secured relative to one another when the balloon is in both the expanded and unexpanded state. The Final Office Action also indicated that such an amendment would be effective to overcome the current rejection using Alba et al. Without conceding the correctness of the rejection and to further advance prosecution in this application, Applicants have amended claim 62 in accordance with the Examiner's suggestion. Specifically, claim 62 has been amended to recite "wherein the first and second tapered ends being configured to complement the first and second tapered ends of the balloon and longitudinally secure the rotatable sheath relative to the balloon when the balloon is in an expanded state and an unexpanded state". For at least these reasons, claim 62 is believed to be patentable over Alba et al.

#### ***Claim Rejections – 35 U.S.C. § 103***

In paragraph 4 of the Final Office Action, claims 1, 2, 5-9, and 31-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cox (U.S. Patent No. 5,257,974). Applicants respectfully traverse this rejection.

Under the "Response to Arguments" heading and paragraph 17, the Final Office Action suggested amending claim 1 to clarify that the balloon and sheath are fixed relative to one another in the same manner as claimed in claim 62. The Final Office Action also indicated that

such an amendment would be effective to overcome the current rejection using Cox. Without conceding the correctness of the rejection and to further advance prosecution in this application, Applicants have amended claim 1 in accordance with the Examiner's suggestion. Specifically, claim 1 has been amended to recite "the first portion of the rotatable sheath arranged in radial alignment with the first portion of the balloon and the second portion of the rotatable sheath arranged in radial alignment with the second portion of the balloon such that the rotatable sheath is longitudinally secured relative to the balloon when the balloon is in both an expanded state and an unexpanded state". For at least these reasons, claim 1 is believed to be patentable over Alba et al. For similar reasons and others, claims 2, 5-9, and 31-38, which depend from claim 1 and include additional distinguishing feature, are believed to be patentable over Cox.

In paragraph 6 of the Final Office Action, claims 3, 4, 15, 21, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cox (U.S. Patent No. 5,257,974) in view of Wilson et al. (U.S. Patent No. 6,165,195). In paragraph 7 of the Final Office Action, claims 24-29 and 51-61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cox (U.S. Patent No. 5,257,974) in view of Wilson et al. (U.S. Patent No. 6,165,195), and further in view of Healy et al. (U.S. Patent No. 5,670,161). In paragraph 8 of the Final Office Action, claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cox (U.S. Patent No. 5,257,974) in view of Lenker et al. (U.S. Patent No. 6,350,278). Applicants respectfully traverse these rejections. As discussed previously, claim 1 is believed to be patentable over Cox and nothing in the addition cited references appear to remedy the noted shortcomings of Cox. For at least these reasons, claims 3-4, 15-21, 22, 24-29, and 30, which depend from claim 1 and includes additional distinguishing features, are believed to be patentable over the cited references.

In paragraph 9 of the Final Office Action, claim 65 was rejected under 35 U.S.C. §103(a) as being unpatentable over Alba et al. (U.S. Patent No. 5,634,901) in view of Wilson et al. (U.S. Patent No. 6,165,195). In paragraph 10 of the Final Office Action, claim 66 was rejected under 35 U.S.C. §103(a) as being unpatentable over Alba et al. (U.S. Patent No. 5,634,901) in view of Cox (U.S. Patent No. 5,257,974). In paragraph 11 of the Final Office Action, claim 67 was rejected under 35 U.S.C. §103(a) as being unpatentable over Alba et al. (U.S. Patent No. 5,634,901). Applicants respectfully traverse these rejections. As discussed previously, claim 62 is believed to be patentable over Alba et al. and nothing in the additional cited references appear

to remedy the noted shortcomings of Alba et al. For at least these reasons, claims 65-67, which depend from claim 62 and includes additional distinguishing features, are believed to be patentable over the cited references.

**Conclusion**

Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By her Attorney,

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